

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EBONE GRIER,

Plaintiff,

vs.

REALTY WORKS,

Defendant.

4:22-CV-3164

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation (filing 41) recommending that the Court grant the defendant's motion for sanctions (filing 39) and dismiss this case without prejudice. There has been no objection to the findings and recommendation, and the time for doing so has elapsed. See [NECivR 72.2\(a\)](#); *see also* [Fed. R. Civ. P. 6\(d\)](#). The findings and recommendation expressly advised that a party could object within 14 days, and that "[f]ailure to timely object may constitute a waiver of any objection." Filing 41 at 6; *see Williams v. Wells Fargo Bank, N.A.*, 901 F.3d 1036, 1042 (8th Cir. 2018).

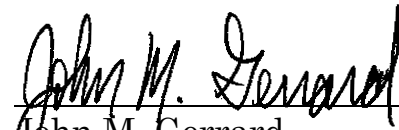
[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as waiving the right to object to the Court's order adopting the recommendation of the finding of fact. [NECivR 72.2\(f\)](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing 41) are adopted.
2. The defendant's motion for sanctions (filing 39) is granted.
3. The plaintiff's complaint is dismissed without prejudice.
4. A separate judgment will be entered.

Dated this 25th day of October, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge